

COMMONWEALTH OF VIRGINIA

STATE BOARD OF HEALTH

REGULATIONS FOR THE IMMUNIZATION OF SCHOOL CHILDREN

August 1, 1995

**Virginia Department of Health
Bureau of Immunization
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Part I

DEFINITIONS

§ 1.1 The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Adequate immunization" means the immunization requirements prescribed under § 3. 1.

"Admit or Admission" means the official enrollment or re-enrollment for attendance at any grade level, whether full-time or part-time, of any student by any school.

"Admitting official" means the school principal or his designated representative if a public school; if a non-public school or child care center, the principal, headmaster or director of the school or center.

"Board" means the State Board of Health.

"Commissioner" means the State Health Commissioner.

"Compliance" means the completion of the immunization requirements prescribed under § 3. 1.

"Conditional enrollment" means the enrollment of a student for a period of 90 days contingent upon the student having received at least one dose of each of the required vaccines and the student possessing a plan, from a physician or local health department, for completing his immunization requirements within the ensuing 90 days.

"Documentary proof" means an appropriately completed copy of Form MCH 213B and the temporary certification form for Haemophilus influenzae type b disease where applicable, Form MCH 213C or a computer generated facsimile of Form 213C signed by a physician or his designee or an official of a local health department. The MCH 213C SUPPLEMENT indicating the dates of administration of the required vaccines, shall be acceptable in lieu of recording these dates on Form MCH 213C, as long as the supplement is attached to Form MCH 213C and the remainder of Form MCH 213C has been appropriately completed. For a new student transferring from an out-of-state school, any immunization record, which contains the exact date (month/day/year) of administration of each of the required doses of vaccines when indicated and complies fully with the requirements prescribed under § 3.1 shall be acceptable.

"Immunization" means the administration of a product licensed by the FDA to confer protection against one or more specific pathogens.

"Physician" means any person licensed to practice medicine in any of the 50 states or the District of Columbia.

"School" means

1. Any public school from kindergarten through grade 12 operated under the authority of any locality within this Commonwealth;
2. Any private or parochial school that offers instruction at any level or grade from kindergarten through grade 12;
3. Any private or parochial nursery school or preschool, or any private or parochial child care center licensed by this Commonwealth; and
4. Any preschool handicapped classes or Head Start classes operated by the school divisions within this Commonwealth.

"Student" means any person less than 20 years of age who seeks admission to any Virginia school, or for whom admission to any Virginia school is sought by a parent or guardian.

"Twelve months of age" means the 365th day following the date of birth.

Part II

GENERAL INFORMATION

§ 2.1 Purpose.

These regulations are designed to ensure that all students attending any public, private or parochial school and all attendees of licensed child care centers in the Commonwealth, are adequately immunized and protected against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, haemophilus influenzae type b, and hepatitis B disease as appropriate for the age of the student.

§ 2.2 Administration.

A. The Board of Health has the responsibility for promulgating regulations pertaining to the implementation of the school immunization law and standards of immunization by which a child attending a school or child care center may be judged to be adequately immunized.

B. The State Health Commissioner is the executive officer for the State Board of Health with the authority of the board when it is not in session, subject to the rules and regulations of the board.

C. The local health director is responsible for providing assistance in implementing these regulations to the school divisions in his jurisdiction and for providing immunizations to children determined not to be adequately immunized, who present themselves to the local health department for immunization.

D. The school principals of public schools and the principals, headmasters and directors of nonpublic schools and child care centers shall require each student attending their institutions to provide documentary proof of immunization against the diseases listed in § 3. 1.

§ 2.3 Application of regulations.

These regulations have general application throughout the Commonwealth.

§ 2.4 Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, contained in Chapter 1. 1: 1 (§ 9-6.14:1 et seq.) of Title 9 of the *Code of Virginia*, shall govern the adoption, amendment, modification and revision of these regulations, and the conduct of all proceedings and appeals hereunder.

§ 2.5 Powers and procedures of regulations not exclusive.

The board reserves the right to authorize a procedure for enforcement of these regulations which is not inconsistent with the provisions set forth herein and the provisions of Chapter 2 (§ 32. 1-35 et seq.) of Title 32.1 of the *Code of Virginia*.

Part III IMMUNIZATION REQUIREMENTS

§ 3.1 Immunization Requirements.

Every new student and every child attending a licensed child care center shall provide documentary proof of adequate immunization with the prescribed number of doses of each of the vaccines and toxoids listed in the following subdivisions, as appropriate for his age. A copy of every student's immunization record shall be on file in his school record.

1. Diphtheria and Tetanus Toxoids and Pertussis Vaccine (DTP) - For students less than seven years of age, a minimum of three doses of DTP, with one dose administered after the student's fourth birthday. If any of these three doses must be administered on or after the seventh birthday, Td (adult tetanus toxoid full dose and diphtheria toxoid reduced dose) should be used instead of DTP.

2. Poliomyelitis Vaccine - A minimum of three doses of trivalent oral poliomyelitis vaccine (OPV), with one dose administered after the fourth birthday or three doses of enhanced-potency inactivated poliomyelitis vaccine (IPV), with one dose administered after the fourth birthday when OPV is contraindicated.

3. Measles (Rubeola) Vaccine - For students enrolling in kindergarten or first grade on and after July 1, 1991, one dose of live measles vaccine administered at age 12 months or older, and a second dose administered prior to entering kindergarten or first grade, whichever occurs first. The two doses must be administered at least one month apart. Students entering sixth grade on and after July 1, 1992, shall also have received two doses of live measles vaccine, with the first dose administered at age 12 months or older and the second dose at least one month after the first dose. All other students shall have received at least one dose of live measles vaccine. Any measles immunization received after 1968 should be considered to have been administered using a live virus vaccine.

4. German Measles (Rubella) Vaccine - A minimum of one dose of rubella virus vaccine administered at age 12 months or older.

5. Mumps Vaccine - A minimum of one dose of mumps virus vaccine administered at age 12 months or older. The requirement for mumps vaccine shall not apply to any child admitted for the first time to any grade level, kindergarten through grade 12 of a school prior to August 1, 1981.

6. Haemophilus Influenzae Type b (Hib) Vaccine – A complete series of Hib vaccine i.e., up to a maximum of four doses of vaccine as appropriate for the age of the child and the age at which the immunization series was initiated. The number of doses administered shall be in accordance with current recommendations of either the American Academy of Pediatrics or those of the U.S. Public Health Service. Attestation by the physician or his designee on the temporary form documenting immunizations against Hib, that portion of Form MCH 213C pertaining to Hib vaccine, a computer generated facsimile of MCH 213C, or on the MCH 213C SUPPLEMENT as defined in § 1.1 under "documentary proof" shall mean that the child has satisfied the requirements of this section. This section shall not apply to children older than 30 months of age.

The dosage schedule for Hib vaccine varies with the manufacturer. The number of doses of vaccine required is also governed by the age at which immunization is initiated. Hence the reason why the requirements for Hib vaccine are prescribed in a manner different from those for the other vaccines.

7. Hepatitis B Vaccine - A minimum of three doses of hepatitis B vaccine for all children born on or after January 1, 1994.

§ 3.2 Exemptions from immunization requirements.

A. Religious and medical exemptions - No certificate of immunization shall be required of any student for admission to school if:

1. The student or his parent or guardian submits a Certificate of Religious Exemption (Form CRE 1) to the admitting official of the school to which the student is seeking admission. Form CRE 1 is an affidavit stating that the administration of immunizing agents conflicts with the student's religious tenets or practices. For a student enrolled before July 1, 1983, any document present in the student's permanent school record claiming religious exemption shall be acceptable, or

2. The school has written certification on any of the documents specified under "documentary proof" in §1.1 from a physician or a local health department that one or more of the required immunizations may be detrimental to the student's health. Such certification of medical exemption shall specify the nature and probable duration of the medical condition or circumstance that contraindicates immunization. For a student enrolled before July 1, 1983, any document attesting to the fact that one or more of the required immunizations may be detrimental to the student's health shall be acceptable.

B. Demonstration of existing immunity - The demonstration in a student of antibodies against either rubeola or rubella in sufficient quantity to ensure protection of that student against that disease, shall render that student exempt from the immunization requirements contained in § 3.1 for the disease in question. Such protection should be demonstrated by means of a serological testing method appropriate for measuring protective antibodies against rubeola or rubella respectively.

Part IV

PROCEDURES AND RESPONSIBILITIES

§ 4.1 Responsibilities of admitting officials.

A. Procedures for determining the immunization status of students - Each admitting official or his designee shall review, before the first day of each school year, the school medical record of every new student seeking admission to his school, and that of every student enrolling in grade six for compliance with the measles vaccine requirements prescribed in § 3.1.3. Such review shall determine into which one of the following categories each student falls:

1. Students whose immunizations are adequately documented and complete in conformance with § 3. 1.
2. Students who are exempt from the immunization requirements of § 3.1 because of medical contraindications or religious beliefs provided for by § 3.2.
3. Students whose immunizations are inadequate according to the requirements of § 3.1.
4. Students without any documentation of having been adequately immunized.

B. Notification of deficiencies - Upon identification of the students in subdivisions 3 and 4 of § 4.1 A., the admitting official shall notify the student or his parent or guardian:

1. That there is no, or insufficient, documentary proof of adequate immunization in the student's school records.
2. That the student cannot be admitted to school unless he has documentary proof that he is exempted from immunization requirements pursuant to § 3.1.
3. That the student may be immunized and receive certification by a licensed physician or an official of a local health department.
4. How to contact the local health department to receive the necessary immunizations.

C. Conditional enrollment - Any student whose immunizations are incomplete may be admitted conditionally if that student provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within 90 days, during which time that student shall complete the immunizations required under § 3.1. The following table contains a suggested plan for ensuring the completion of these requirements within the 90 day conditional enrollment period. The admitting official should examine the records of any conditionally enrolled student at regular intervals to ensure that such a student remains on schedule with his plan of completion.

A SUGGESTED PLAN FOR ENSURING COMPLIANCE

TIME	ACTION STEP
Day 0	Conditional enrollment period starts. If student has not received first dose(s) of required vaccines, exclude student.
Day 1 to Day 42	Student should have received second dose(s) of required vaccines.
Day 43 to Day 88	Student should have received third dose(s) of required vaccines.
Day 89 and Day 90	Confirm that immunizations are completed; exclude children not in compliance.

D. Exclusion - The admitting official shall, at the end of the conditional enrollment period, exclude any student who is not in compliance with the immunization requirements under § 3.1 and who has not been granted an exemption under § 3.2, until that student provides documentary proof that his immunization schedule has been completed, unless documentary proof that a medical contraindication developed during the conditional enrollment period, is submitted.

E. Transfer of records - The admitting official of every school shall be responsible for sending a student's immunization records or a copy thereof, along with his permanent academic or scholastic records, to the admitting official of the school to which a student is transferring within 30 days of his transfer to the new school.

F. Report of student immunization status - Each admitting official shall, within 30 days of the beginning of each school year or entrance of a student, or by October 15 of each school year, file with the State Health Department through the health department for his locality, a report summarizing the immunization status of the students in his school. This report shall be filed on Form SIS 1, the Student Immunization Status Report, and shall contain the number of students admitted to that school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption, and the number of students who have been conditionally admitted.

§ 4.2 Responsibilities of physicians and local health departments.

A. Documentary proof for students immunized in Virginia - Every physician and local health department providing immunizations to a child shall provide documentary proof, as defined in §1.1, to the child or his parent or guardian of all immunizations administered.

B. Documentary proof for out-of-state students - For a student transferring from an out-of-state school to a Virginia school, the admitting official may accept as documentary proof any immunization record for that student which contains the exact date (month/day/year) of administration of each of the required doses of vaccines when indicated and which complies fully with the requirements prescribed under § 3.1. Any immunization record which does not contain the month/day/year of administration of each of the required vaccine doses shall not be accepted by the admitting official as documentary proof of adequate immunization with the exception of immunization against Hib. Such a student's record shall be evaluated by an official of the local health department who shall determine if that student is adequately immunized in accordance with the provisions of § 3.1. Should the local health department determine that such a student is not adequately immunized, that student shall be referred to his private physician or local health department for any required immunizations.

Part V PENALTIES

§ 5.1 Exclusion of students.

Any student who fails to provide documentary proof of immunization in the manner prescribed, within the time periods provided for in these regulations and §§ 22.1-271.1 and 22.1-271.2 of the Code of Virginia, shall be excluded from school attendance by the school's admitting official.

§ 5.2 Exclusion of students unprotected against vaccine-preventable diseases.

In accordance with § 32.1-47 of the *Code of Virginia*, any student exempted from immunization requirements pursuant to § 3.2 A. of these regulations, shall be excluded from school attendance for his own protection until the danger has passed, if the commissioner so orders such exclusion upon the identification of an outbreak, potential epidemic or epidemic of a vaccine-preventable disease in that student's school.

§ 5.3 Responsibility of parent to have a child immunized.

In accordance with § 32.1-46 of the *Code of Virginia*, "the parent, guardian or person in loco parentis of each child within this Commonwealth shall cause such child to be immunized by vaccine against diphtheria, tetanus, whooping cough, poliomyelitis, and hepatitis B before such child attains the age of one year, against *Haemophilus influenzae* type b before he attains the age of 30 months, and against measles (rubeola), German measles (rubella) and mumps before such child attains the age of two years. All children shall also be required to receive a second dose of measles (rubeola) vaccine in accordance with the regulations of the board. The board's regulations shall require that all children receive a second dose of measles (rubeola) vaccine prior to first entering kindergarten or first grade and that all children who have not yet received a second dose of measles (rubeola) vaccine receive such second dose prior to entering the sixth grade."

§ 5.4 General penalties.

In accordance with § 32.1-27 of the *Code of Virginia*, "any person, willfully violating or refusing, failing or neglecting to comply with any regulation or order of the board or commissioner of any provision of this title shall be guilty of a Class I misdemeanor unless a different penalty is specified."

Date: _____
Patient #: _____
S.S #: _____

IMMUNIZATION RECORD
VIRGINIA DEPARTMENT OF HEALTH

Name: _____ **DOB:** _____

	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	
Diphtheria/Tetanus/ Pertussis (DTP)	_____	_____	_____	_____	_____
Diphtheria/Tetanus (DT or Adult Td)	_____	_____	_____	_____	_____
Poliomyelitis (OPV or eIPV)	_____	_____	_____	_____	_____
Measles (Rubeola)	_____	_____	_____	_____	_____
Rubella	_____	_____	_____	_____	_____
Mumps	_____	_____	_____	_____	_____
Measles, Mumps, Rubella (MMR)	_____	_____	_____	_____	_____
Hepatitis B Vaccine	_____	_____	_____	_____	_____
Haemophilus Influenza type b (Hib)	_____	_____	_____	_____	_____

Serological Confirmation of Measles Immunity _____

Serological Confirmation of Rubella Immunity _____

*Child Entered School Before 08/01/81 _____

*(Mumps vaccine is not required if the child entered school before 08/01/81)

This is an official replication of the vaccination record for the above patient. Dates of immunizations listed above are either dates of vaccinations given or dates recorded with the Virginia Department of Health by the Patient.

Public Health Official
MCH 213C-SUPPLEMENT

Date

COMMONWEALTH OF VIRGINIA

CERTIFICATE OF RELIGIOUS EXEMPTION

Name _____ Birth Date _____

Student I.D. Number _____

The administration of immunizing agents conflicts with the above named student's/my religious tenets or practices. I understand, that in the occurrence of an outbreak, potential epidemic or epidemic of a vaccine-preventable disease in my/my child's school, the State Health Commissioner may order my/my child's exclusion from school, for my/my child's own protection, until the danger has passed.

Signature of parent/guardian/student

Date

I hereby affirm that this affidavit was signed in my presence on

this _____ day of _____

Notary Public Seal

COMMONWEALTH OF VIRGINIA
STUDENT IMMUNIZATION STATUS REPORT

Please Type or Print All Information!

FACILITY: _____
MAILING ADDRESS: _____
CITY: _____ ZIP: _____
LOCATION: STREET: _____
COUNTY: _____ CITY: _____
PERSON PREPARING REPORT (PRINT): _____ TITLE: _____
SIGNATURE: _____ DATE: _____ PHONE: _____

TYPE OF FACILITY REPORTING!

1) Please check one of the following:

PUBLIC SCHOOL/___/; PRIVATE SCHOOL/___/; PAROCHIAL SCHOOL/___/; HEADSTART/___/; CHILD CARE CENTER/___/

INSTRUCTIONS!

- 1) Please complete this report using information in each student's school medical record.
- 2) Please refer to the back section of this form for the MINIMUM IMMUNIZATIONS REQUIRED BY THE CODE OF VIRGINIA.
- 3) ALL SCHOOLS: Please submit to the ADDRESS BELOW by OCTOBER 15.

VIRGINIA DEPARTMENT OF HEALTH
BUREAU OF IMMUNIZATION
1500 E. MAIN ST., SUITE 120
RICHMOND, VIRGINIA 23219
PHONE # (804)786-6246

COMPLETE THE SECTION(S) APPLICABLE TO YOUR FACILITY

Please note in each section, numbers in columns (b) through (f) should add together to equal the total number of students in column (a).

****SECTION I****

CHILD CARE CENTERS, HEAD STARTS OR PRESCHOOLS

(a) Number of Students Enrolled	(b) Number Adequately Immunized	(c) Number of Medical Exemptions	(d) Number of Religious Exemptions	(e) Number of Conditionally Enrolled	(f) Number Without Records

****SECTION II****

KINDERGARTEN OR FIRST GRADE IF THERE IS NO KINDERGARTEN (PUBLIC, PRIVATE, PAROCHIAL)

(a) Number of Students Enrolled	(b) Number Adequately Immunized	(c) Number of Medical Exemptions	(d) Number of Religious Exemptions	(e) Number of Conditionally Enrolled	(f) Number Without Records

(For Minimum Immunization Requirements Refer to Back)

MINIMUM IMMUNIZATIONS REQUIRED OF NEW STUDENTS BY THE STATE BOARD OF HEALTH FOR SCHOOL ATTENDANCE

For More Information Please Refer to the Code of Virginia 22.1-271.2 Immunization Requirements and Section 3.00 of the Rules and Regulations for the Immunization of School Children.

DTP: THREE (3) doses of DTP with one (1) administered after the fourth birthday. If any of these doses must be administered on or after the seventh birthday, ADULT Td vaccine should be used instead of DTP.

OPV: THREE (3) doses of trivalent OPV or THREE (3) doses eIPV (when OPV is medically contraindicated) with one administered after the fourth birthday.

MEASLES: TWO (2) doses of live virus measles (rubeola) vaccine, one (1) dose given at 12 months of age or older and a second dose administered prior to entering KINDERGARTEN or first grade, whichever occurs first, effective JULY 1, 1991. Two (2) doses of live measles vaccine shall also be required of students enrolling in grade six (6) in 1992 and thereafter. All other students should have received one (1) dose of live measles vaccine.

RUBELLA: ONE (1) dose of rubella vaccine received at 12 months of age or older.

MUMPS: ONE (1) dose of mumps vaccine received at 12 months of age or older for students entering school on or after August 1, 1981.

HEPATITIS B: For children born on or after January 1, 1994, three (3) doses of hepatitis B vaccine.

HAEMOPHILUS INFLUENZAE TYPE b (Hib) : For children through 30 months of age, Hib conjugate vaccine should be administered as recommended by the American Academy of Pediatrics or the U.S. Public Health Service.

CONDITIONAL ENROLLMENT: In order for a student to be CONDITIONALLY ENROLLED, the student must have proof of having received at least one (1) dose of each of the required immunizations (DTP, OPV, MEASLES, MUMPS, and RUBELLA) and have a schedule on file to receive the remainder of the required doses within 90 DAYS.

RELIGIOUS EXEMPTIONS: The student or his parent or guardian submits a CERTIFICATE OF RELIGIOUS EXEMPTION (FORM CRE-1), to the admitting official of the school to which the student is seeking admission. Form CRE-1 is an affidavit stating that the administration of immunizing agents conflicts with the student's religious tenets or practices. The CRE-1 must be signed by a NOTARY PUBLIC AND STAMPED WITH THE NOTARY'S SEAL.

MEDICAL EXEMPTIONS: The school must have written certification from a physician or a local health department on FORM MCH213C that one or more of the required immunizations may be detrimental to the student's health. Such certification of medical exemption shall specify the nature and probable duration of the medical condition or circumstance that contraindicates immunization.

IF THERE ARE QUESTIONS REGARDING IMMUNIZATIONS PLEASE CALL YOUR LOCAL HEALTH DEPARTMENT
OR THE BUREAU OF IMMUNIZATION AT (804) 786-6246.

§ 22.1-270. (Effective July 1, 1983) Preschool physical examinations – A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in a school division unless such pupil shall furnish, prior to admission, (i) a report from a qualified licensed physician of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed no earlier than twelve months prior to the date such pupil first enters such public kindergarten or elementary school or (ii) records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

B. The physician making a report of a physical examination required by this section shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped.

C. Such physical examination report shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official

D. Such physical examination shall not be required of any child whose parent or guardian shall object on religious grounds and who shows no visual evidence of sickness, provided that such parent or guardian shall state in writing that, to the best of his knowledge, such child is in good health and free from any communicable or contagious disease.

E. The health departments of all of the counties and cities of the Commonwealth shall conduct such physical examinations for medically indigent children without charge upon request and may provide such examinations to others on such uniform basis as such departments may establish.

F, G. [Repealed.]

H. The provisions of this section shall not apply to any child who was admitted to a public school prior to July 1, 1972.

I. Parents or guardians of entering students shall complete a health information form which shall be distributed by the local school divisions and developed and provided jointly by the Department of Education and Department of Health. Such forms shall be returnable within fifteen days of receipt unless reasonable extensions have been granted by the superintendent or his designee. Upon failure of the parent or guardian to complete such form within the extended time, the superintendent may send to the parent or guardian written notice of the date he intends to exclude the child from school. (code 1950, §22-220.1; 1972, c. 761; 1973, c. 300; 1974, c. 160; 1979, cc. 120, 260; 1980, c. 559; 1982, c. 510.)

Cross reference - For this section as in effect until July 1, 1983, see the preceding section, also numbered 22.1-270.

The 1982 amendment, effective July 1, 1983, rewrote this section so as to delete references to immunization certificates.

§ 22.1-271. (Repealed effective July 1, 1983) Failure to complete immunizations. - Upon the admission to any public school of any pupil who has furnished a certificate that indicates that the required immunizations were not completed, the school principal shall notify the parent, guardian or other person having custody or control of the pupil that the immunizations must be completed within sixty days of admission. If the pupil's immunizations are not completed within the sixty-day, the parent, guardian or other person so notified shall be guilty of a Class 4 misdemeanor and the pupil shall be excluded from school until the pupil furnishes a certificate from a licensed physician that the required immunizations have been completed. (Code 1950, § 22-250; 1980, c. 559; 1981, c-540.)

Cross reference – As to punishment for Class 4 misdemeanors, see § 18.2-11.

The 1981 amendment substituted the language beginning “be excluded from school until the pupil furnishes a certificate” for “not be included on the average daily membership of the school division for funding purposes” at the end of the section.

Section repealed effective July 1, 1983 – This section is repealed, effective July 1, 1983, by Acts 1982, c. 510.

§ 22.1-271.1. (Effective July 1, 1983) Definitions - For the purpose of § 22.1-271.2;

“Admit” or “admission” means the official enrollment or reenrollment for attendance at any grade level, whether full-time or part-time, of any student by any school.

“Admitting official” means the school principal or his designated representative if a public school; if a nonpublic school or child-care center, the principal, headmaster or director of the school or center.

“Documentary proof” means written certification that a student has been immunized, such certificate to be on a form provided by the State Department of Health and signed by the licensed immunizing physician or an employee of the immunizing local health department.

“Student” means any person who seeks admission to a school, or for whom admission to a school is sought by a parent or guardian, and who will not have attained the age of twenty years by the start of the school term for which admission is sought.

“Immunized” or “immunization” means initial immunization and any boosters or reimmunizations required by § 32.1-46.

“School” means (i) any public school from kindergarten through grade twelve operated under the authority of any locality within this Commonwealth, (ii) any private or parochial school that offers instruction at any level or grade from kindergarten through grade twelve, and (iii) any private or parochial nursery school or preschool, or any private or parochial child-care center required to be licensed by this Commonwealth. (1982, c. 510.)

Effective date - This section is effective July 1, 1983.

§ 22.1-271.2. (Effective July 1, 1983) Immunization requirements. - A. No student shall be admitted by a school unless at the time of admission the student or his parent or guardian submits documentary proof of immunization to the admitting official of the school or unless the student is exempted from immunization pursuant to subsection C. If a student does not have documentary proof of immunization, the school shall notify the student or his parent or guardian (i) that it has no documentary proof of immunization of the student; (ii) that it may not admit the student without proof unless the student is exempted pursuant to subsection C; (iii) that the student may be immunized and receive certification by a licensed physician or an employee of a local health department; and (iv) how to contact the local health department to learn where and when it performs these services. Neither this Commonwealth nor any school or admitting official shall be liable in damages to any person for complying with this section.

Documentary proof of immunization shall be provided to any person who has been immunized or to his parent or guardian.

B. Any student whose immunizations are incomplete may be admitted conditionally if that student provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within ninety days.

The immunization record of each student admitted conditionally shall be reviewed periodically until the required immunizations have been received.

Any student admitted conditionally and who fails to comply with his schedule for completion of the required immunizations shall be excluded from school until his immunizations are resumed.

C. No certificate of immunization shall be required for the admission to school of any student if (i) the student or his parent or guardian submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; (ii) the school has written certification from a licensed physician or a local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization.

D. The admitting official of a school shall exclude from the school any student for whom he does not have documentary proof of immunization or notice of exemption pursuant to subsection C.

E. Every school shall record each student's immunizations on the school immunization record. The school immunization record shall be a standardized form provided by the State Department of Health, which shall be a part of the mandatory permanent student record.

Such record shall be open to inspection by officials of the State Department of Health and the local health departments.

The school immunization record shall be transferred by the school whenever the school transfers any student's permanent academic or scholastic records.

Within thirty calendar days after the beginning of each school year or entrance of a student, each admitting official shall file a report with the local health department. The report shall be filed on forms prepared by the State Department of Health and shall state the number of students admitted to school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption and the number of students who have been conditionally admitted.

F. The requirement for mumps immunization as provided in § 32.1-46 shall not apply to any child admitted for the first time to any grade level, kindergarten through grade twelve, of a school prior to August 1, 1981.

G. The Board of Health shall promulgate rules and regulations for the implementation of this section in congruence with rules and regulations of the Board of Health promulgated under § 32.1-46 and in cooperation with the Board of Education. (1982, c. 510)

Effective date.--This section is effective July 1, 1983.

§ 32.1-46. Immunization of children against certain diseases.--A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized by vaccine against diphtheria, tetanus, whooping cough and poliomyelitis before such child attains the age of one year, again Haemophilus influenzae type b before he attains the age of thirty months, and against measles (rubeola), German measles (rubella) and mumps before such child attains the age of two years. All children born on or after January 1, 1994, shall be required to receive immunization against hepatitis B before their first birthday. All children shall also be required to receive a second dose of measles vaccine in accordance with the regulations of the board. The board's regulations shall require that all children receive a second dose of measles (rubeola) vaccine prior to first entering kindergarten or first grade and that all children who have not yet received a second dose of measles (rubeola) vaccine receive such second dose prior to entering the sixth grade. The parent, guardian or person standing in loco parentis may have such child immunized by a physician or may present the child to the appropriate local health department which shall administer the required vaccines without charge.

B. A physician or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate which shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board, or

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia which states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child.

The 1980 amendment inserted the reference to mumps in the first sentence of subsection A and added the last paragraph of subsection D.

Law Review. For survey of Virginia law on governmental services and social welfare for the year 1978-79, see 66 Va. L. Rev. 301 (1980).

§ 32.1-47. Exclusion from school of children not immunized.--Upon the identification of an outbreak, potential epidemic or epidemic of a vaccinepreventable disease in a public or private school, the Commissioner shall have the authority to require the exclusion from such school of all children who are not immunized against that disease. (1979, C. 711.)

§ 32.1-27. Penalties, injunctions, civil penalties and charges for violations.—

A.. Any person willfully violating or refusing, failing or neglecting to comply with any regulation or order of the Board or Commissioner of any provision of this title shall be guilty of a Class 1 misdemeanor unless a different penalty is specified.

B. Any person violating or failing, neglecting, or refusing to obey any lawful regulation or order of the Board of Commissioner or any provision of this title may be compelled in a proceeding instituted in an appropriate court by the Board or Commissioner to obey such regulation, order or provision of this title and to comply therewith by injunction, mandamus, or other appropriate remedy.

C. without limiting the remedies which may be obtained subsection B, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to subsection B shall be subject, in the discretion of the court, to a civil penalty not to exceed ten thousand dollars for each violation. Each day of violation shall constitute a separate offense. Such civil penalties may, in the discretion of the court constitute a separate offense. Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the treasury of the county, city or town in which the violation occurred, to be used for the purpose of abating environmental pollution therein in such manner as the court may, by order, direct, except that where the owner in violation is such county, city or town itself, or its agent, the court shall direct such penalty to be paid into the State treasury.

D. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Board or Commissioner or any provision of this title, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums, not to exceed the limit specified in subsection C. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection C. (Code 1953, §§32-6.4, 32-15; 1975, c.564; 1976, c.623; 1979, c.711; 1980, c.378)

Cross reference.--As to punishment for Class 1 misdemeanors, see § 18.2-11.

The 1980 amendment added the third sentence of subsection C.